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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/688,515

10/17/2003

John C. Pederson

E30.2B-11315-US01

2011

490

7590

07/28/2006

VIDAS, ARRETT & STEINKRAUS, P.A.

6109 BLUE CIRCLE DRIVE

SUITE 2000

MINNETONKA, MN 55343-9185

EXAMINER

SWARTHOUT, BRENT

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,515

Applicant(s)

PEDERSON ET AL.

Examiner

Brent A. Swarthout

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 8-10 and 14-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-12-06</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Vukosic.

Vukosic discloses a warning signal light bar 10 comprising support 14 with front and rear sides, plural LED assemblies 16/18 on the front and rear sides which inherently receive power, and controller 50 in communication with the LEDs to activate at least two different types of warning lights in combination including either steady or flashing warnings in combination with same color or sequences of colors (col. 4, lines 36-41).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vukosic.

Vukosic discloses an LED assembly control system as set forth above, including circuit boards 12/14 (col. 2, line 40) and enclosed base portion (Fig 1), except for specifically stating that the controller was positioned in said base.

It would have been obvious to enclose the board and controller in the base region in order that it would have been easily accessible once unit 40 was removed for service, while still being protected from environmental conditions while LED assembly was in use.

3. Claims 3,7,11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vukosic in view of Lau.

Lau discloses a light bar assembly with opposite ends and respective cap assemblies ((Fig. 11).

It would have been obvious to use end cap assemblies in conjunction with an LED light bar as disclosed by Vukosic, if it was desired to use the LED assembly as an elongated bar for vehicular use where it would have been necessary to seal both ends to protect from climatic conditions.

Regarding claim 7, both Vukosic and Lau disclose use of light spreaders 40 and 54, respectively.

Regarding claims 11 and 13, choosing to use quadrant assemblies or spreader assemblies would have been obvious, merely depending on construction requirements as to how the assembly would best fit to the LED assembly, and choosing to have assemblies comprise spreaders would have been obvious merely depending on

whether or not LED assemblies went all the way to the end of the light bar assembly device.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vukosic in view of Lau and Jankowski et al.

Jankowski discloses desirability of using LED assemblies 13 having housing 23, support 19, cover 31 and light pipe 28 (Fig. 3).

It would have been obvious to utilize a light pipe assembly as suggested by Jankowski in conjunction with a LED assembly as disclosed by Vukosic and Lau, in order to provide a more directed illumination.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vukosic in view of Lau and Phillips.

Phillips teaches desirability of including LED assembly with couplers 46, and pockets to engage the LEDs (col. 5, lines 58-67; Fig. 6).

It would have been obvious to use pockets with couplers as suggested by Phillips in conjunction with an LED assembly as disclosed by Vukosic and Lau, in order to provide a secure fitting for LEDs to prevent movement or dislodging.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vukosic in view of Lau and Bader et al.

Bader discloses use of a conventional vehicular light source in end cap assemblies of a light bar system, the system being either angled or linear (col. 6, line 32).

It would have been obvious to utilize a conventional light, such as a well-known halogen light in an end cap of a light bar, in a system as set forth by Vukosic and Lau, in order to be able to provide use as alley lights for police vehicles (col. 8, lines 20-28).

7. Claims 8-10,14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Regarding applicant's remarks filed 5-10-06, on pages 4-6 it is stated that applicant's claims have priority to August 4, 1999, which would overcome the October 14, 1999 date of the Vukosic reference. As evidence of support for the claimed invention applicant makes reference to US Patent No. 6,461,008 . However, the cited reference does not show support as stated in claim 1 for a plurality of light emitting diodes engaged to said front and to said rear (of a support). The Patent does show LEDs at a front and rear (Fig. 10), but this configuration is when separate structures 14 are placed back to back. Although the Patent further states that it is possible for light to be output from the front or back of light device 70, the reference is silent as to how the LEDs are arranged inside the light device 70. Thus, applicant has not shown support for the claimed support with LEDs on the front and back as set forth in claim 1, and is not entitled to priority prior to October 14, 1999, and has not overcome the teachings of the Vukosic reference in combination with the teachings of the other applied references.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik, can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, reading "Brent Swarthout". The signature is fluid and cursive, with a large, stylized "S" in the last name.

Brent A Swarthout

Art Unit 2636

**BRENT A. SWARTHOUT
PRIMARY EXAMINER**